

# **EXHIBIT 9**

### Exhibit No. 9 to Proposed Pre-Trial Order

#### NorthWestern's Trial Exhibit List (Local Civil Rule 16.3(c)(6))

The exhibits which NorthWestern may offer as exhibits at trial are set forth below. NorthWestern reserves its right to amend, modify or supplement this trial exhibit list based upon, among other things, Plaintiffs' exhibit list, Plaintiffs' statement of issues of fact that remain to be litigated, Plaintiffs' statement of issues of law that remain to be litigated, and any disputes between the parties concerning the Joint Statement of Admitted Facts. Plaintiffs' Trial Exhibits are incorporated by reference into NorthWestern's Trial Exhibit List to the extent NorthWestern has not objected to them.

TAB #	DATE	DESCRIPTION	BATES NUMBER	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
600	01/01/2002 to 12/31/2002	Uniform Standards of Professional Appraisal Practice 2002 Edition SMT 3	N/A	Yes. Relevance.	
601	1/31/2002	Final Order in the matter of the Application of MPSC for Approval of its Electric Utility Restructuring Transition Plan Filed Pursuant to Senate Bill 390 and in the matter of the Joint Application for Approval of the Sale of MPC to NorthWestern, Corp.	NOR000591-618	No.	

<sup>1</sup> The legend for the objections is on the last page of the document.

602	6/14/2002	Email from M. Atkinson to C. Carpino re: Expanets and Blue Dot Reporting Unit Valuations—SFAS 142 Step 1	N/A	Yes. Hearsay, Authenticity.	
603	6/14/2002	Email from C. Carpino to D. Hummel re: Expanets and Blue Dot Reporting Unit Valuations—SFAS 142 Step 1	N/A	Yes. Hearsay, Authenticity.	
604	6/25/2002	Email from D. Norton to C. Carpino re: 1/1/02 Forecast and Budget for Expanets	N/A	Yes. Hearsay, Authenticity.	
605	6/28/2002	Email from C. Carpino to R. Fresia & D. Norton re: contact list for 142 project	N/A	Yes. Hearsay, Authenticity.	
606	7/2/2002	Email from S. Lyons to C. Carpino re: Expanets Balance Sheet	N/A	Yes. Hearsay, Authenticity.	
607	7/2/2002	Email from D. Norton to C. Carpino re: contact list for 142 project	N/A	Yes. Hearsay, Authenticity.	
608	7/3/2002	Email from C. Carpino to D. Norton re: Expanets and Blue Dot	N/A	Yes. Hearsay, Authenticity.	
609	7/3/2002	Email from C. Carpino to S. Lyons & T. Gjoraas re: payments for performance based acquisition earnouts	N/A	Yes. Hearsay, Authenticity.	
610	7/8/2002	Email from D. Norton to C. Carpino re: discounted cash flow model	N/A	Yes. Hearsay, Authenticity.	
611	8/7/2002	Email from C. Carpino to D. Hummel, J. Musto & M. Atkinson re: Deloitte & Touche's Valuation Reports for Expanets & Blue Dot (four attachments)	N/A	Yes. Hearsay, Authenticity.	
612	8/7/2002	American Appraisal Associates fax re: valuation of Expanets, Inc. and Blue Dot Services, Inc. & response to Deloitte & Touche's Valuation Review	AAA04107-15	Yes. Hearsay, Authenticity.	

613	9/12/2002	Deloitte & Touche's Going Concern Memo	DT006613-006615	Yes. Hearsay, Authenticity, and improper to the extent offered as de facto expert testimony.	
614	12/18/2002	North Western Corp.'s \$390m Credit Facility Road Show Presentation	CSFB018729-69	Yes. Hearsay, Authenticity, Relevance.	
615	9/10/2003	Confidential Settlement Agreement and Mutual Release among Atlantic Richfield Co., North Western Corp. and Clark Fork and Blackfoot, LLC	N/A	Yes. Hearsay, Authenticity, Relevance.	
616	5/9/2007	Magten Asset Management Corporation's Response to North Western Corporation's First Set of Interrogatories	N/A	No.	
617	6/7/2007	Law Debenture Trust Company of New York's Objections and Responses to North Western Corporation's First Set of Interrogatories and First Request for the Production of Documents	N/A	No.	
618	10/4/2007	Standard and Poor's LCD and S&P Leveraged Loan Index	NOR(EXP)00013- NOR(EXP)00029	Yes. Hearsay, Authenticity, Relevance.	
<b>LEGEND</b> Objections in the form: "Relevance" are to Fed. R. Evid. 402; "Authenticity" are to Fed. R. Evid. 901; "Hearsay" are to Fed. R. Evid. 802 and/or 805; "de facto expert testimony" are to Fed. R. Evid. 701 <i>ex seq.</i> as well as relevant provisions of the scheduling order in this case.					

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# **EXHIBIT 10**

**Exhibit No. 10 to Proposed Pre-Trial Order**

**Defendants Hanson and Kindt Trial Exhibit List  
(Local Civil Rule 16.3(c)(6))**

The exhibits which Defendants Hanson and Kindt may offer as exhibits at trial are set forth below. [Defendants Hanson and Kindt reserve their right to amend, modify or supplement this trial exhibit list based upon, among other things, North Western and Plaintiff's exhibit list, North Western's and Plaintiff's statement of issues of fact that remain to be litigated, North Western and Plaintiff's statement of issues of law that remain to be litigated, and any disputes between the parties concerning the Joint Statement of Admitted Facts and any rulings by the Court on the pending motions for summary judgment, the pending Daubert Motions, any motions in limine or other pre-trial rulings.]

The vast majority of the Magten's objections on the grounds of authentication will be mooted if the Pre-Trial Order as approved by the court contains a satisfactory clause regarding the presumption of authenticity.

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
1.	Any exhibit listed by Magten Asset Management Corporation		
2.	Guarantee Agreement Between The Montana Power Company and The Bank of New York dated November 1, 1996 (NOR009092-009113)	No.	
3.	North Western Corporation's Form 10-K for the fiscal year ended December 31, 2002	Yes, Hearsay.	
4.	<i>Memorandum Decision</i> dated July 23, 2004	Yes, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
5.	Under Advisement Decision re: Motion to Dismiss dated August 20, 2004	Yes, Relevance, Danger of Prejudice / Confusion /	

<sup>1</sup> The legend for the objections is on the last page of the document.



EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
		Misleading the Jury.	
6.	Deposition of Mary Lewicki dated May 2, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
7.	Deposition of Michael J. Hanson dated June 27, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
8.	Deposition of Ernie Kindt dated June 28, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
9.	Deposition of Robert W. Berliner dated November 8, 2007 and all exhibits thereto	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.  The exhibits should be entered separately, as well, and Magten reserves any and all objections to such exhibits.	
10.	Deposition of Paul A. Marcus dated November 13, 2007 and all exhibits thereto	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
		16.3(d)(2), not listed as exhibits. Also hearsay.  The exhibits should be entered separately, as well, and Magten reserves any and all objections to such exhibits.	
11.	NorthWestern's U-1 Application Under the Public Utility Holding Company Act of 1935 dated February 14, 2002 (NOR002701-002730)	Yes. Hearsay.	
12.	Litigation Release No. 13777, 54 S.E.C. Docket 2038 1993 WL 342039, SEC v. Talton R. Embry and Magten Asset Management Corp. dated September 9, 1993	Yes. Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
13.	New York Times Article, <i>Company News: NorthWestern Corp. Is Seeking Bankruptcy Protection</i> dated September 16, 2003	Yes. Hearsay, Relevance.	
14.	Business Wire Article, <i>Fitch Dwngrs NorthWestern Corp. &amp; Places Rtgs on Watch Neg.</i> dated August 4, 2003	No.	
15.	The Montana Standard Article via Knight-Ridder/Tribune Business News, <i>Montana Energy Provider Faces Financial Problems, Possible Credit Downgrade</i> , dated August 2, 2002	Yes. Hearsay.	
16.	PR Newswire Article, <i>NorthWestern Corporation Outlines Turnaround Plan</i> , dated February 19, 2003	Yes. Hearsay.	
17.	PR Newswire Article, <i>NorthWestern Corporation Reports 2002 Financial Results; Company Reports Loss of \$892.9 Million for Full-Year 2002</i> , dated April 16, 2003	Yes. Hearsay.	
18.	PR Newswire Article, <i>NorthWestern to Defer Distributions on All Series of Trust Preferred Securities; Company Working to Improve Liquidity and Reduce Debt</i> , dated May 23, 2003	Yes. Hearsay.	



EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
19.	PR Newswire Articles, <i>NorthWestern's Board of Directors Defers Dividend Decision</i> , dated February 6, 2003	No.	
20.	Article by the Associated Press <i>The Missoulian, NorthWestern Corp. files for bankruptcy</i> , dated September 15, 2003	Yes. Hearsay, Relevance.	
21.	The New York Times Article, <i>Firm Settles S.E.C. Lawsuit</i> , dated September 10, 1993	Yes. Hearsay, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
22.	Deposition of Bart Thielbar dated June 21, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
23.	Deposition of Ernie Kindt dated June 28, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
24.	Deposition of Gary Drook dated April 25, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
25.	Deposition of Eric Jacobsen dated June 19, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
26.	Deposition of Kendall Kliever dated June 29, 2007	Yes. Transcripts should be	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
		designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
27.	Deposition of Richard Hylland dated May 2, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
28.	Deposition of Kipp Orme dated April 12, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
29.	Deposition of Merle Lewis dated June 20, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
30.	Deposition of Richard Fresia dated April 30, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
31.	Deposition of Michael Nieman dated June 29, 2007	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
32.	Memorandum from Kipp Orme to North Western Board of Directors RE: North Western Liquidity Updated, dated December 8, 2002 (NOR174528-174529)	Yes. Authentication and hearsay.	
33.	Email chain between Travis Gjoraas and Richard Hylland, Kipp Orme, Trey Bradley, Michael Nieman RE: Cash Receipts Update dated May 8, 2002 (NOR406205)	Yes. Authentication and hearsay.	
34.	Memorandum from Merle Lewis and Richard Hylland to All North Western, Expanets, Blue Dot and Energy Team Members RE: North Western Financing Updated dated December 18, 2002 (NOR129410)	Yes. Authentication and Hearsay.	
35.	Memorandum from Kipp Orme to North Western Board of Directors RE: Cash Flow Projections dated February 23, 2003 (NOR 369571-369572)	Yes. Authentication and hearsay.	
36.	Email chain between Michael Nieman and Kipp Orme RE: Cash Flow Reconciliation dated May 7, 2002 (NOR277366-277367)	Yes. Authentication and hearsay.	
37.	Schedule of various action plans and statuses of their progress (NOR025086-025095)	Yes. Authentication and hearsay.	
38.	Email chain between Richard Hylland and John Charters, BCC: Kipp Orme RE: Cash Situation update dated October 10, 2002 (NOR405610-405611)	Yes. Authentication and hearsay.	
39.	Email chain between Kipp Orme and Gary Drook RE: Updated Liquidity Analysis dated October 10, 2002 (NOR405886-405887)	Yes. Hearsay.	
40.	North Western Corporation Reports 1 <sup>st</sup> Q 2002 EPS of 65 Cents	Yes. Hearsay.	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
	from Continuing Operations Press Release dated April 30, 2002 (NOR145392-145397)		
41.	NorthWestern Corporation Completes Sale of \$720 Million in Senior Notes in Rule 144A Offering Press Release, dated March 13, 2002 (NOR378593-378595)	Yes. Hearsay.	
42.	Email chain between Kipp Orme and Eric Jacobsen RE: Board Update Memo dated December 4, 2002 (NOR092311-092313)	Yes. Authentication and hearsay.	
43.	Email chain between Travis Gjoraas and Richard Hyland, Kipp Orme, Kurt Whitesel, Michael Nieman RE: Expanets Cash Update dated July 26, 2002 (NOR406247)	Yes. Authentication and hearsay.  Also, does not seem to be a chain but rather a single E-mail	
44.	North Western Corporation Reaffirms 2002 Performance and Annualized Free Cash Flow Targets; Selects New Independent Accountants for 2002 Press Release dated May 17, 2002 (NOR377088-377091)	Yes. Hearsay.	
45.	Draft of NorthWestern lowers guidance for estimated 2002 results year end charges being reviewed Press Release, dated December 2002 (NOR192453-192457)	Yes. Authentication, hearsay, relevance.	
46.	NorthWestern Corporation Outlines Turnaround Plan Press Release dated February 9, 2003 (NOR159256-159260)	Yes. Authentication, hearsay, relevance.  This is a draft, not a final copy.	
47.	Draft of NorthWestern to defer distributions on all series of trust preferred securities Press Release dated May 23, 2003 (NOR001173-001175)	Yes. Hearsay.  This is not a draft.	
48.	Memorandum from Kipp Orme to NorthWestern Board of Directors RE: Bond Offering undated (NOR464756-464761)	Yes. Authentication and hearsay.	



EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
		This is a draft, not a final copy.	
49.	NorthWestern enters into \$390 million secured credit facility Press Release dated December 18, 2003 (NOR129411-129413)	Yes. Hearsay.	
50.	NorthWestern Form U-1 dated February 14, 2002 (NOR003477-003497)	Yes. Hearsay.	
51.	Presentation – Liquidity, Financing Opportunities and Strategic planning and sensitivities board summary dated October 2002 (NOR054582-054600)	Yes. Authentication and hearsay.	
52.	Presentation – Liquidity, Financing Opportunities and Strategic planning and sensitivities board summary dated October 2002 (NOR351316-351335)	Yes. Authentication and hearsay.	
53.	Gibson Dunn presentation to NorthWestern Audit Committee dated April 10, 2003; Marked as Confidential, Attorney Eyes Only (NOR521370-521440)	Yes. Authentication and hearsay.	
54.	Memorandum from Kipp Orme to NorthWestern Board of Directors RE: Financing plans dated August 2, 2002 (NOR053581-053585)	Yes. NOR053581-053583. Authentication and hearsay.  Yes. NOR053584-5 are not part of the referenced document. Authentication, Hearsay, and Relevance.	
55.	NorthWestern Corporation Board of Directors Minutes of Regular Meeting February 5, 2003 (NOR009627-009630)	Yes. Authentication and hearsay.  Document is incomplete	
56.	Approval of Minutes of Previous Meetings (NOR009637-009642)	Yes. Hearsay.	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
		The referenced document is the minutes of a special meeting held 2/8/2003 regarding Mr. Hylland, not what is indicated in the description. Document is incomplete.	
57.	Email chain between Kipp Orme and Peter Otersen RE: Dow Jones Article dated September 18, 2002 (NOR160508-160509)	Yes. Authentication and hearsay.	
58.	Department of Public Service Regulation Testimony of Michael J. Hanson of North Western Corporation (NOR044744-044755)	Yes. Hearsay.	
59.	Annual Report of Major Electric Utilities, Licensees and Others (NOR044026-044298)	Yes. Hearsay.	
60.	NOR Staff Meeting dated December 2, 2002 (NOR045006-045221)	Yes. Authentication (including unknown handwriting), hearsay.	
61.	2002 NOR Management Report (NOR044873-045005)	Yes. Hearsay.	
62.	Form 10-Q for North Western Corporation for March 31, 2001 (NOR043146-043165)	Yes. Hearsay.	
63.	Form 10-Q for North Western Corporation for March 31, 2003 (NOR043166-043233)	Yes. Hearsay.	
64.	Form 10-Q for North Western Corporation for June 30, 2004 (NOR043234-043301)	Yes. Hearsay.	
65.	Form 10-Q for North Western Corporation for September 30, 2004 (NOR043302-043377)	Yes. Hearsay.	
66.	Form 10-K for North Western Corporation for December 31, 2003 (NOR043378-043497)	Yes. Hearsay.	
67.	Form 10-K/A for North Western Corporation for December 31, 2001 (NOR043498-043613)	Yes. Hearsay.	
68.	FERC form No. 1 dated December 31, 2003 (NOR043614-	Yes. Hearsay.	



EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
	043849)		
69.	NorthWestern Corporation Letter of Recommendations dated April 4, 2003 (NOR045433-045476)	Yes. Hearsay.	
70.	NorthWestern Corporation Board of Directors Meeting dated November 2002 (NOR045232-045432)	Yes. Authentication (including unknown handwriting),hearsay.	
71.	Memo from B. Hare to audit file re: NOR going concern analysis (DT006613-006615)	Yes. Authentication and hearsay.	
72.	Magten Asset Management Corporation's Response to Michael Hanson and Ernie Kindt's First Set of Document Requests dated March 30, 2007	Yes. Relevance.	
73.	Magten Asset Management Corporation's Response to Michael Hanson and Ernie Kindt's First set of Interrogatories dated March 30, 2007	No.	
74.	Magten Asset Management Corporation's Response to Michael Hanson and Ernie Kindt's First set of Requests to Admit dated March 30, 2007	No.	
75.	Magten Asset Management Corporation's Response to NorthWestern Corporation's First Set of Interrogatories dated June 1, 2007	No.	
76.	Magten Asset Management Corporations Response to NorthWestern Corporation's Second Request for Production of Documents dated June 1, 2007	Yes. Relevance.	
77.	Magten Asset Management Corporation's Supplemental Responses to Michael Hanson and Ernie Kindt's First Set of Interrogatories dated October 10, 2007	No.	
78.	Magten Asset Management Corporation's and Law Debenture Trust Company of New York's Objections and Responses to NorthWestern Corporation's Request for Production of	Yes. Relevance.	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
	Documents dated November 1, 2007		
79.	Magten Asset Management Corporation's Objection to NorthWestern Corporation's Third Request for Production of Documents dated November 6, 2007	Yes. Relevance.	
80.	Letter from Bonnie Steingart to Stanley Kaleczyc and Kimberly Beatty RE: Magten Asset Management Corp v. Mike J. Hanson and Ernie J. Kindt, C.A. No. 05-0499-JJF dated October 6, 2006	Yes. Relevance.	
81.	Letter from Bonnie Steingart to Joseph Pizzuro and Steven Reisman RE: Magten Asset Management Corp v. Mike J. Hanson and Ernie J. Kindt, C.A. No. 05-0499-JJF dated November 2, 2006	Yes. Relevance.	
82.	Letter from Bonnie Steingart to Stanley Kaleczyc and Kimberly Beatty RE: Magten Asset Management Corp v. Mike J. Hanson and Ernie J. Kindt, C.A. No. 05-0499-JJF dated November 3, 2006	Yes. Relevance.	
83.	Letter from Kimberly Beatty to Bonnie Steingart RE: Magten Asset Management Corp v. Mike J. Hanson and Ernie J. Kindt, C.A. No. 05-0499-JJF dated November 8, 2006	Yes. Hearsay, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
84.	Letter from John Brewer to Stanley Kaleczyc and Kimberly Beatty RE: Responses to Michael Hanson and Ernie Kindt's First Set of Interrogatories dated March 30, 2007	Yes. Relevance.	
85.	Letter from John Brewer to Stanley Kaleczyc and Kimberly Beatty RE: Documents responsive to Hanson and Kindt's First Request for Production of Documents to Magten dated April 2, 2007	Yes. Relevance.	
86.	Letter from Stanley Kaleczyc and Kimberly Beatty to John Brewer and Bonnie Steingart RE: Magten Responses to	Yes. Hearsay, Relevance, Danger of Prejudice / Confusion	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
	Discovery from Hanson and Kindt dated April 5, 2007	/ Misleading the Jury.	
87.	Letter from John Brewer to Joe Pizzurro RE: Modifying Responses dated April 10, 2007	Yes. Relevance.	
88.	Letter from John Brewer to Joseph Pizzurro, Nancy Delaney and Jennifer Bagnato RE: Untimely Discovery Requests dated May 10, 2007	Yes. Relevance.	
89.	Letter from John Brewer to Joseph Pizzurro, Nancy Delaney and Jennifer Bagnato RE: Discover dated May 10, 2007	Yes. Relevance.	
90.	Letter from Stanley Kaleczyc and Kimberly Beatty to Bonnie Steingart and Gary Kaplan RE: Supplementation of Magten's Discovery Responses dated September 18, 2007	Yes. Hearsay, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
91.	Letter from Stanley Kaleczyc and Kimberly Beatty to John Brewer RE: Supplementation of Magten's Responses to Hanson/Kindt Discovery Requests dated October 4, 2007	Yes. Hearsay, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
92.	Letter from John Brewer to Stanley Kaleczyc and Kimberly Beatty RE: Supplementation of Magten's Discovery Responses dated October 5, 2007	Yes. Relevance.	
93.	Letter from Stanley Kaleczyc and Kimberly Beatty to John Brewer RE: Supplementation of Magten's Responses to Hanson/Kindt Discovery Requests dated October 8, 2007	Yes. Hearsay, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
94.	Letter from Bonnie Steingart to Stanley Kaleczyc and Kimberly Beatty RE: Supplementation of Magten's Discovery Responses dated October 10, 2007	Yes. Relevance.	
95.	Letter from Stanley Kaleczyc to Bonnie Steingart RE: Magten v. Hanson, et al. dated October 12, 2007	Yes. Relevance.	
96.	Letter from Stanley Kaleczyc and Kimberly Beatty to Bonnie Steingart RE: Magten v. Hanson, et al. dated November 13,	Yes. Relevance.	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
97.	2007 Expert report of Bruce E. Bingham dated October 17, 2007, plus all exhibits attached and any documents relied upon by expert in rendering his opinion.	Yes. Hearsay, Relevance.  Beyond the report, it is overreaching to attempt to include all documents relied on and exhibits to the report. These separate exhibits should each be entered separately, and Magten reserves any and all objections to such exhibits.	
98.	Deposition of Stephen J. Scherf dated January 9, 2008	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay. Plaintiffs likewise incorporate by reference all objections raised in their motion in limine objecting to Mr. Scherf's testimony.	
99.	Deposition of Bruce E. Bingham dated January 8, 2008	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits. Also hearsay.	
100.	Deposition of Christopher J. Kearns dated January 10, 2008	Yes. Transcripts should be designated pursuant to Local Civil Rules 16.3(c)(7) and 16.3(d)(2), not listed as exhibits.	



EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
		Also hearsay. Plaintiffs likewise incorporate by reference all objections raised in their motion in limine objecting to Mr. Kearns' testimony.	
101.	Magten Asset Management Corporation v. Paul Hastings Janofsky & Walker LLP, Memorandum Opinion, Civil Action No. 04-1256-JJF dated January 12, 2007	Yes, Relevance, Danger of Prejudice / Confusion / Misleading the Jury.	
102.	Final Order in the matter of the Application of MPSC for Approval of its Electric Utility Restructuring Transition Plan Filed Pursuant to Senate Bill 390 and in the matter of the Joint Application for Approval of the Sale of MPC to North Western, Corp. dated January 31, 2002 (NOR000591-618)	No.	
103.	Email chain between Kurt Whitesel and Mike Hanson Re: Internal Audit and Repor Distribution, dated October 24, 2002 (NOR191328-191329)	Yes. Authentication and Hearsay.	
104.	Email chain between David Monaghan and Mike Hanson: CC: Barth Thielbar Re: FW: responses dated October 28, 2002 (NOR 317418-317419)	Yes. Authentication and Hearsay.	
105.	Management Response to NCS Audit Findings to Mike Hanson from Dave Monaghan and Bart Thielbar: CC: Jerry Johnson, Kurt Whitesel, Larry Ness, John Charters, Bruce Smith, Deloitte & Touche Re: NCS Audit, dated April 10, 2003 (NOR320518-320528)	Yes. Authentication and Hearsay.	
106.	Management Response to NCS Audit Findings to Mike Hanson from Dave Monaghan and Bart Thielbar: CC: Jerry Johnson, Kurt Whitesel, Larry Ness, John Charters, Bruce Smith, Deloitte & Touche Re: NCS Audit, dated April 10, 2003	Yes. Authentication and Hearsay.	

EXH NO.	DESCRIPTION	OBJECTIONS <sup>1</sup>	ADMITTED: Y/N
	(NOR320529-320544)		
107.	Audit Universe, To Mike Hanson from Audit Services (Bill Janecke) Re: Audit Services Role dated October 21, 2002 (NOR324993-324994)	Yes. Authentication and Hearsay.	
108.	Confidential Settlement Agreement and Mutual Release by and among Atlantic Richfield Company, NorthWestern Corporation and Clark Fork and Blackfoot, LLC effective September 10, 2003	Yes. Hearsay, Authenticity, and Relevance	

## LEGEND

Objections in the form: "Relevance" are to Fed. R. Evid. 402; "Authenticity" are to Fed. R. Evid. 901; "Hearsay" are to Fed. R. Evid. 802 and/or 805; "Danger of Prejudice / Confusion / Misleading the Jury" are to Fed. R. Evid. 403; "Incomplete" are to Fed. R. Evid. 106.